



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

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Connecticut Waste Oil, Inc.
P.O. Box 179
Meriden, CT 06450

**NOTICE OF PROPOSED
LICENSE ACTION
No. LA 01-05**

June 25, 2001

Introduction

This Notice of Proposed License Action is issued by the New Hampshire Department of Environmental Services, Waste Management Division to Connecticut Waste Oil, Inc., pursuant to RSA 541-A:30 and RSA 147-A:6. DES is proposing to revoke the New Hampshire Hazardous Waste Transporter Registration, TNH-0178, held by Connecticut Waste Oil, Inc., based on the violations alleged below. **This notice contains important procedural information. Please read the entire notice carefully.**

II. Parties

1. The Department of Environmental Services, Waste Management Division ("DES") is an administrative agency of the State of New Hampshire, having its principal office at 6 Hazen Drive, Concord, NH.
2. Connecticut Waste Oil, Inc. ("CWO") is a corporation registered to do business in Connecticut having a mailing address of P.O. Box 179, Meriden, CT 06450.

III. Summary of Facts and Law Supporting Proposed Action

1. RSA 147-A authorizes DES to regulate the management, transportation, and disposal of hazardous waste in New Hampshire. Pursuant to RSA 147-A:3, the Commissioner of DES has adopted Env-Wm 100 – 1000, the Hazardous Waste Rules, to implement this regulatory program.
2. RSA 147-A:6 authorizes DES to administer the Hazardous Waste Transporter Program. Pursuant to RSA 147-A:3, the Commissioner has adopted Env-Wm 600 relative to this specific program.
3. RSA 147-A:6, V(c) authorizes DES to modify, suspend, or revoke a hazardous waste transporter registration if the transporter violates any provision of RSA 147-A, any rules adopted by the Commissioner pursuant to RSA 147-A, or any rules adopted by the Commissioner of the Department of Safety pursuant to RSA 21-P:17.
4. RSA 147-A:6, V(d)(1) authorizes DES to deny a registration application or a registration renewal application or suspend or revoke a registration if the applicant/registrant fails to demonstrate sufficient reliability, expertise, integrity, and competence to transport hazardous waste.
5. Env-Wm 610.02(g) states "for the purposes of issuing a transporter registration or renewal registration, suspending, revoking or denying a transporter registration or renewal registration,

[DES] shall conclude that the registrant does not have sufficient reliability, expertise, integrity, and competence to transport hazardous waste if the registrant failed to comply with an order issued by [DES] or by any state relative to a violation of any other statute administered by [DES] or by any state."

6. DES issued New Hampshire Hazardous Waste Transporter Registration number TNH-0178 dated July 7, 1992, ("the Registration") to CWO, to allow CWO to transport hazardous waste in New Hampshire.

7. On September 17, 1998, September 18, 1998, and September 22, 1998 (the "Inspections"), personnel from the Connecticut Department of Environmental Protection ("DEP") conducted inspections of CWO.

8. On October 13, 2000, the DEP issued to CWO a Notice of Tentative Determination ("NTD"). According to the NTD, CWO has failed to fully comply with the requirements of Unilateral Order HM-482.

9. On December 12, 2000, the DEP denied CWO's permit application to operate a waste storage and treatment facility based upon CWO's compliance history and the failure of CWO to demonstrate that its activities would not result in pollution, contamination or a violation of DEP regulations.

10. According to the DEP's Notice of Final Permit Decision ("NFPD"), "annual inspections conducted by the DEP over the past decade have revealed that CWO has consistently been in violation of numerous requirements including, by not limited to: mismanagement of waste resulting in releases of waste; receipt and processing of large amounts of unpermitted waste including hazardous wastes (e.g., wastewaters, waste antifreeze, waste solvents, and miscellaneous chemical liquids and solids); failure to train employees; failure to develop and follow an adequate waste analysis plan; failure to develop an adequate contingency plan to be used in case of an emergency; failure to provide adequate site security; failure to develop a closure plan; failure to follow waste manifest requirements; failure to maintain any financial assurance for closure; failure to properly manage drums of waste; failure to obtain the required approvals before modifying its facility and the complete failure to maintain or the maintenance of inadequate inspection logs, operating records, training and other required records."

IV. Violations

1. The violations identified in III 10. demonstrate that CWO does not have sufficient reliability, expertise, integrity, and competence to transport hazardous waste.

V. Proposed Action

1. DES proposes to revoke Hazardous Waste Transporter Registration TNH-0178 for the duration of the current registration, and to refuse to renew any future application for registration received from or on behalf of CWO.

VI. Hearing, Response, Proposed Settlement

CWO has the right to a hearing to contest these allegations before the proposed license action is taken. The hearing would be a formal adjudicative proceeding pursuant to RSA 541-A:30, at which CWO and any witnesses CWO may call would have the opportunity to present testimony and evidence as to why the proposed action should not be taken. All testimony at the hearing would be under oath and would be subject to cross examination. If CWO wishes to have a hearing, one will be scheduled promptly.

CWO may waive its right to a hearing. If CWO waives the hearing, DES will revoke the Registration and will refuse to renew any future application for registration received from or on behalf of CWO. CWO should notify DES of its decision by filling out and returning the enclosed colored form by July 16, 2001.

RSA 541-A:31, III(e) provides that CWO has the right to have an attorney present to represent CWO at CWO's expense. If the Permit is an occupational license, under RSA 541-A:31, III(f) CWO has the right to request DES to provide a certified shorthand court reporter CWO's expense. **Such request must be submitted in writing at least 10 days prior to the proceeding.**

If you have any questions or would like to schedule a meeting regarding this matter, please contact Tammy Calligandes, Environmentalist, at 271-3899

COPY

Philip J. O'Brien, Ph.D., Director
Waste Management Division
Department of Environmental Services

Certified Mail # 7099 3400 0003 0690 4798

cc Gretchen Rule, DES Enforcement Coordinator
Tammy Calligandes, WMD
Paul Franson, CT DEP